

REMARKS

Claims 1-20 remain pending in this patent application. Claims 6-10 and 17-20 stand withdrawn from further consideration as being drawn to a non-elected invention.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1-5 and 11-16 were rejected under 35 USC § 112, second paragraph, as being indefinite.

In this paper, Applicant is proposing to amend claim 1 by changing "applying the glue" in line 3 to --applying glue--. Applicant trusts that, with this amendment, claim 1 and dependent claims 2-5 and 11-16 would be in full compliance with the requirements of 35 USC § 112, second paragraph.

PRIOR ART REJECTION

Claims 1-5 and 11-16 stand rejected under 35 USC § 103(a) as being unpatentable over US 6199688B1 (Focke et al.). Applicant requests that the Examiner reconsider and withdraw this rejection.

By the method disclosed and claimed in this application, maximum strength of the box is gained with minimum amounts of glue and with lighter cardboard. Obviously, there are significant economic advantages to using only as much adhesive as is necessary and as light cardboard as possible to achieve increased box rigidity. As described and claimed in this application, a special method is used for manufacturing a hinge-lid box in which the collar is glued to the packet portion of the hinge-lid box using horizontal uniform glue lines at confronting surfaces of the collar and the packet portion of the box.

By the present invention it is possible to achieve significant reduction of needed starting material such as cardboard, to make lighter hinge-lid boxes having at least the same rigidity and deformation resistance as the boxes according to the state of the art.

Because hinge-lid boxes are manufactured in extremely great volumes, particularly for cigarette boxes, the consumption of starting materials, such as adhesives and cardboard, is enormous. Typically the currently used packaging machines manufacture approximately 1000 cigarette boxes each minute. If the consumption of cardboard can be reduced by 10-20 % in the

manufacture of boxes that exhibit at least sufficient technical characteristics as the ones according to state of the art, the advantages are significant. By using the method according to the invention a light and rigid hinge-lid box can be manufactured having high deformation resistance capacity. Less material is required and less waste is formed resulting in significant economic advantages, also reducing the environmental burden. The rigidity of the box can be adjusted depending on the application and the desired use of the box.

Applicant's method achieves significant strength advantages, without using heavier cardboard stock, over methods that do not employ horizontal glue lines between the collar and the packet portion of the box. Using other gluing techniques, such as spots or vertically arranged glue lines, does not yield boxes having sufficient strength, as observed in Applicant's specification on page 3, lines 6-10. These advantages are made evident by the examples described in Applicant's specification, where finite element analysis modeling (FE model) was used for studying the deformation resistance capacity of the box, particularly in the light of the amount and form of glue lines and basis weight of packaging material. The primary objective of the inventive method was not "to improve gluing of the blank," as suggested by the examiner, but to improve the rigidity of the box and simultaneously decrease the required amounts of starting materials.

The Examiner acknowledges that "Focke et al. does not disclose applying the glue to the collar as in lines across the collar surface up to three lines." The Examiner takes official notice of the "use of glue lines on blank" as old and well known in the art and contends that it would have been obvious to modify "Focke's fastening surface/glue portion of the collar, by the use of glue lines instead, as a matter of engineering design choice, in order to improve gluing of the blank."

The disclosure in Focke is directed to hinge-lid packets, where the hinge-lid packets are developed in respect to their design, particularly printing the collar portion. Focke is silent about the relation between the form and number of glue lines and rigidity of the box. In fact, the only disclosures in Focke relating to gluing of the collar to the packet portion of the box are found in column 3, lines 30-32, column 4, lines 14-18, and column 5, lines 33-35. In these passages, there is no disclosure or suggestion whatsoever of the gluing technique employed in Applicant's disclosed and claimed method.

It is apparent from the statement of the rejection that the Examiner has not given proper consideration to all of the limitations of Applicant's claims. As noted above, the Examiner has taken official notice of the "use of glue lines on blank" as old and well known in the art. Applicant's claim 1 does not require just glue lines. Rather, claim 1 clearly calls for "horizontal uniform glue lines." The Examiner has *not* taken official notice of glue lines having these attributes, much less such glue lines that are located with respect to the collar and packet portion as recited in claim 1. Claims 2-4 and 11-13 recite further attributes of the glue lines. If the Examiner intends to take official notice of glue lines having the attributes recited in Applicant's claims, then Applicant challenges the Examiner to cite prior art in support of such a position, in accordance with the guidelines stated in MPEP 2144.03 C.

In view of the foregoing observations, Applicant submits that the disclosure in Focke et al. cannot properly serve as a basis for rejecting any of claims 1-5 and 11-16 under 35 USC § 102(b).

CONCLUSION

In view of the amendment proposed herein, and in view of the observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

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Respectfully submitted,

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